UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2448

JAMES M. GIBBS, JR.,

Plaintiff - Appellant,

versus

MORGANITE, INCORPORATED,

Defendant - Appellee,

and

WIN STEPHENS, individually and in his official capacity; MON VONKCHALEE, individually and in his official capacity; DAVID COOPER, individually and in his official capacity; BRUCE MILLER, individually and in his official capacity; ROGER BONE, individually and in his official capacity; EDWIN ENNIS, individually and in his official capacity; DOUG BLIZZARD, individually and in his official capacity; LARRY WEST; RUSSELL LEE, individually and in his official capacity; BERT JENKINS, individually and in his official capacity; PHILLIP BOWDEN, individually and in his official capacity,

Defendants.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-99-309-5-BR2)

Submitted: May 31, 2001 Decided: July 30, 2001

Before WILKINS, MOTZ, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James H. Locus, Jr., LOCUS LAW FIRM, Fayetteville, North Carolina, for Appellant. Gregory P. McGuire, Sarah H. Roane, HAYNSWORTH, BALDWIN, JOHNSON & GREAVES, L.L.C., Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

James Morgan Gibbs, Jr., filed suit against his Employer, Morganite, Inc. ("Morganite"), alleging discrimination on the basis of race and/or national origin and disability, in violation of Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1866, 42 U.S.C.A. § 1981 (West Supp. 2000), and the American with Disabilities Act ("ADA"). He now appeals the district court's order granting summary judgment to Morganite, granting Morganite's motion to strike, denying Gibbs' motion to amend, and dismissing the action.

This Court reviews a grant of summary judgment de novo. Higgins v. E.I. DuPont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Summary judgment is appropriate only if there are no material facts in dispute and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). This Court must view the evidence in the light most favorable to the non-moving party. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986).

We have reviewed the parties' briefs and the materials submitted in the joint appendices, and fully considered the arguments raised on appeal. We find that the district court's opinion is thorough and well-reasoned. We therefore affirm on the reasoning of the district court. See Gibbs v. Morganite, Inc., No. CA-99-309-5-BR2 (E.D.N.C. Oct. 6, 2000) (J.A. at 68-103). We dispense

with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED